

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed June 21, 2005. In order to advance prosecution of this case, Applicant amends one paragraph in the Specification (page 1, line 24 - page 2, line 7). In addition, Applicant amends Claims 1-4, 7-10, and 12-18. Applicant respectfully requests reconsideration and favorable action in this case.

**Objection to the Specification**

In the Office Action, the Examiner objects to a particular paragraph of the disclosure because of certain informalities. In particular, the Examiner requests that application numbers be added for the pending applications referenced on page 2, lines 1-7 of the Specification. In this Response, the subject paragraph has been amended to include the requested application numbers. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

**Section 102 Rejections**

The Office Action rejects Claims 1-6, 9-14, and 17-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,857,190 issued to Brown ("*Brown*"). Applicant respectfully traverses these rejections for the reasons stated below.

*Brown* fails to teach, suggest, or disclose each element of amended Claim 1. In particular, the cited reference fails to teach, suggest, or disclose that "the alert filter criteria comprise: an urgency level associated with the alert condition; and a severity level associated with the alert condition" as recited, in part, in amended Claim 1. *Brown* discloses a method for determining whether to record or "log" an event detected by a cable television system. (*Brown*; col. 5, ll. 43-50). Notably, in determining whether to record a detected event, the method in *Brown* only analyzes an "importance level" of an event. (*Brown*; col. 6, ll. 25-32). There is nothing in *Brown* that teaches, suggests, or discloses "an urgency level associated with the alert condition" or "a severity level associated with the alert condition" as recited, in part, in amended Claim 1. Indeed, the events in *Brown* are only associated with "a source string of identifiers as to the specific event, source of the event, class and type of event, and importance of event." (*Brown*; col. 8, ll. 35-38). There is nothing associated with the events in *Brown* that teaches, suggests, or discloses "an urgency level associated with the alert

condition” or “a severity level associated with the alert condition” as recited, in part, in amended Claim 1. Because the cited reference fails to teach, suggest, or disclose these aspects of amended Claim 1, the cited reference fails to support the rejection. For at least these reasons, Applicant respectfully requests reconsideration and allowance of amended Claim 1.

In rejecting Claims 9 and 17-18, the Examiner employs the same rationale used to reject Claim 1. Accordingly, for at least the reasons stated with respect to amended Claim 1, Applicant respectfully requests reconsideration and allowance of amended Claims 9 and 17-18.

Claims 5-6 and 11 and amended Claims 2-5, 10, and 12-14 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by *Brown*. For example, *Brown* fails to teach, suggest, or disclose that “the alert filter criteria further comprises a level of risk associated with a potential alert condition” as recited, in part, in amended Claim 4. The portion of *Brown* cited by the Examiner in rejecting Claim 4 discloses an “importance level” assigned to each detected event. (*Brown*; col. 6, ll. 25-32). *Brown* states that the importance level is used for determining “the level of events that are reported to the headend” of a cable television network. (*Brown*; col. 6, ll. 25-32). In rejecting Claim 4, the Examiner apparently attempts to equate the “importance level” described in *Brown* with the “level of risk associated with a potential alert condition” recited in amended Claim 4. Notably, however, there is nothing in *Brown* that remotely teaches, suggests, or discloses a “risk” or a “level of risk associated with a potential alert condition” as recited, in part, in amended Claim 4. Because the cited reference fails to teach, suggest, or disclose these aspects of amended Claim 4, the cited reference fails to support the rejection. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 5-6 and 11 and amended Claims 2-5, 10, and 12-14.

### **Section 103 Rejections**

The Office Action rejects Claims 7-8 and 15-16 under 35 U.S.C. §103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,154,849 issued to Xia (“*Xia*”). Applicant respectfully traverses these rejections. Amended Claims 7-8 and 15-16 depend from independent claims shown above to be allowable. In addition, these claims recite

further elements not taught, suggested, or disclosed by the *Brown-Xia* combination. For at least these reasons, Applicant respectfully requests reconsideration and allowance of amended Claims 7-8 and 15-16.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant has attached hereto an executed Revocation of Attorney and Appointment of New Attorney.

Applicant has also attached hereto a separate Notification of Extension of Time for responding to the Office Action along with a check in the amount of **\$120.00** to satisfy the extension of time fee for one (1) month from September 21, 2005 to October 21, 2005.

Applicant believes no other fee is currently due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

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Date: October 21, 2005

**CORRESPONDENCE ADDRESS:**

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**05073**